IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

FAO No.66 of 1987

Date of Decision: 10.1.2007

Smt.Kaushalya Rani Vohra

Appellant

versus

Somesh Chander and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

Present: Shri Atul Lakhanpal, Advocate for the appellant

Jasbir Singh, J. (Oral)

Appellant is mother of deceased Ashok Kumar, who died in a motor accident on 11.6.1985. Factum of accident and death of Ashok Kumar, is not in dispute. The Motor Accident Claims Tribunal, Hisar (in short, the Tribunal), while deciding claim application of the appellant, has granted her an amount of Rs.28,800/-, alongwith interest @ 12% per month from the date of filing of the claim petition i.e. 17.7.1985, till realization of the amount. This appeal has been filed with a prayer to claim enhanced compensation. It has come on record that Ashok Kumar was about 30/32 years of age, un-married, under graduate, running a beauty parlour at Delhi and thereafter, he had shifted to Hisar, to look after his ailing mother.

It is apparent from the records that the appellant, who was about 60 years of age, at that time, was solely dependent upon the deceased. To support her claim, it was stated by the appellant that the deceased was earning about 1000/- per month and he had been giving her Rs.800-900/-

per month, for her maintenance. The Tribunal has assessed dependency at Rs.240/- per month. Even before the Tribunal, no serious dispute was raised regarding earning of the deceased. In view of this, this Court feels that the dependency assessed, is on the lower side and accordingly, the same is increased to Rs.350/- per month. Multiplier of 10, applied by the Tribunal, is perfectly justified.

In view of the facts mentioned above, judgment passed by the Tribunal, is modified and it is ordered that the appellant shall get an amount of Rs.42000/-, by way of compensation. Amount now enhanced, be paid to her, alongwith interest @ 9% per annum (simple), till realisation of the amount.

Appeal stands disposed of accordingly.

January 10, 2007 **(Jasbir Singh)**
gk **Judge**